

ORDINANCE NO 18823-09-2009

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NUMBER 13896, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), TO AMEND ARTICLE 5, SECTION 6.507 "SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS" OF CHAPTER 6 "DEVELOPMENT STANDARDS" AND ARTICLE ONE, SECTION 5.116.B "INDUSTRIALIZED HOUSING" OF CHAPTER 5 "SUPPLEMENTAL USE STANDARDS" TO ADD LANGUAGE REQUIRING A MINIMUM HORIZONTAL DIMENSION FOR SINGLE FAMILY HOMES; AMEND CHAPTER 9, "DEFINITIONS" TO ADD A DEFINITION OF INDUSTRIALIZED HOUSING AND AMEND THE DEFINITION OF MANUFACTURED HOME OR MANUFACTURED HOUSING TO INCLUDE INTERNATIONAL STANDARDS ORGANIZATION (ISO) SHIPPING CONTAINERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council to protect the future viability of residential property and neighborhoods through proper design and development standards, and;

WHEREAS, the long term viability of a neighborhood is dependent upon adequate development standards, and;

WHEREAS, single family development standards, architectural features and improved neighborhood identity; and

WHEREAS, in 2006 the City Council adopted Ordinance Number 16925 to add a new section to incorporate design standards addressing masonry, monotony and garage projection as recommended by a special committee made up of developers, neighborhood associations, citizens, architects and non-profit interests directed to evaluate amendments

to the Zoning Ordinance to support long term sustainability and benefit of residential neighborhoods to the City;

WHEREAS, the standards adopted did not include a minimum width requirement for single family homes; and

WHEREAS, approximately eighteen million shipping containers used worldwide to transport a variety of everyday products, such as cars, toys and food are discarded at major ports across the United States; and

WHEREAS, using shipping containers that are typically eight feet wide and up to forty feet long to build homes has increasingly become a trend in the past several years because it can be cheaper and faster than using traditional construction methods, and

WHEREAS, it is advisable to amend the Zoning Ordinance to include a minimum horizontal dimension standard and revise the definitions of industrialized and manufactured housing to include the use of shipping containers as a construction method in order to protect the future viability of residential property and residential neighborhoods;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Subsection A. of Section 5.116B, “Industrialized Housing” of Chapter 5, “Supplemental Use Standards”, of Article 1, “Standards for Selected Uses” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add a

minimum horizontal dimension for single family residential homes to read as follows:

5. A minimum horizontal dimension of 15 feet shall be required.

SECTION 2.

Section 6.507 “Single Family Residential Design Standards” of Chapter 6, “Development Standards”, of Article 5, “Residential Design Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add a new subsection “E” requiring a minimum horizontal dimension for single family residential homes to read as follows:

6.507 Single Family Residential Design Standards

- E. A minimum horizontal dimension of 15 feet shall be required.

SECTION 3.

Section 9.100 “Defined Terms” of Chapter 9 “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add a new definition entitled “Industrialized Housing to read as follows:

INDUSTRIALIZED HOUSING: residential structure that is designed for the occupancy of one or more families; constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site or using two or more International Standards Organization (ISO) shipping containers; and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system; and meets the building, plumbing, electrical and mechanical requirements and standards as set out in state law.

SECTION 4.

Section 9.100 “Defined Terms” of Chapter 9 “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to amend the definition of “Manufactured Home or Manufactured Housing” to include shipping containers to read as follows:

MANUFACTURED HOME OR MANUFACTURED HOUSING:

Includes the terms HUD-Code manufactured home and mobile home and collectively means and refers to both and shall include one or more International Standards Organization (ISO) shipping containers.

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the

City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 10.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 11.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: Melinda Rums
Assistant City Attorney

ADOPTED: September 15, 2009

EFFECTIVE: September 20, 2009